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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	No. CR 10-256 MHP
)	
11 Plaintiff,)	STIPULATED MOTION FOR
)	CONTINUANCE OF BRIEFING
12)	SCHEDULE AND MOTION HEARING
13 v.)	DATE ON DEFENDANT'S MOTION TO
)	DISMISS
14)	
15 CARLOS GARZA-LOPEZ,)	Date: August 30, 2010
)	Time: 11:00 a.m.
16 Defendant.)	Court: The Honorable Marilyn Hall Patel

17
18 The parties stipulate and respectfully request as follows:

- 19 1. A briefing schedule on Defendant's Motion to Dismiss has been established by
20 this Court as follows:
- | | |
|------------------------|--------------------------------|
| 21 Opening Motion Due: | July 19, 2010 |
| 22 Response Due: | August 9, 2010 |
| 23 Reply Due: | August 16, 2010 |
| 24 Motion Hearing: | August 30, 2010, at 11:00 a.m. |
- 25 2. Defense counsel needs additional time to collect declarations in support of the
26 motion from family members of the defendant who would have been present for a

1 deportation hearing back in 1996, as well as an expert witness declaration. Mr.
2 Garza is accordingly asking for a continuance of the briefing schedule on the
3 motion to dismiss;

- 4 3. Based upon the defendant's representations, the government has no objection to
5 continuing the briefing schedule. The parties have agreed on the following
6 proposed dates, and ask for an exclusion of time under the Speedy Trial Act from
7 July 19, 2010 to August 2, 2010 on the basis of the need for effective preparation
8 of the motion by defense counsel:

9 Motion to Dismiss Due: August 2, 2010

10 Response Due: August 30, 2010

11 Reply Due: September 7, 2010 (due to Labor Day holiday)

12 Motion Hearing: September 20, 2010 at 11:00 a.m.

13
14 **IT IS SO STIPULATED.**

15 Dated: July 19, 2010

16
17 /s/
PATRICIA SPALETTA
Assistant United States Attorney

18 Dated: July 19, 2010

19 /s/
ELIZABETH M. FALK
Assistant Federal Public Defender

20
21 **~~[PROPOSED]~~ ORDER**

22 For the reasons stated herein, and for good cause shown, the briefing schedule and motion
23 hearing date previously established by this Court for Defendant's Motion to Dismiss in the
24 aforementioned case are hereby VACATED. The briefing schedule shall be altered as follows:

25 Motion to Dismiss Due: August 2, 2006

26 Response Due: August 30, 2006

1 Reply Due: September 7, 2010

2 Motion Hearing: September 20, 2010 at 11:00 a.m.

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4 For the reasons stated herein, including the need for effective preparation of defense
5 counsel, and for good cause shown, this Court also finds that the ends of justice served by
6 excluding the period from July 19, 2010 to August 2, 2010 outweigh the interest of the public
7 and the defendant in a speedy trial, and orders that the period from July 19, 2010 to August 2,
8 2010, is excluded from Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(1)(F) and
9 § 3161(h)(8)(B)(iv).

10
11 **IT IS SO ORDERED.**

12
13 Dated: July 20, 2010

